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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,108	07/31/2003	Richard M. Mathis		7759

7590  
Richard M. Mathis  
9773 Lost Colt Circle  
Las Vegas, NV 89117

01/04/2007

EXAMINER
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LANEAU, RONALD

ART UNIT	PAPER NUMBER
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3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/04/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/631,108

Applicant(s)

MATHIS, RICHARD M.

Examiner

Ronald Laneau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 14-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-23,25 and 26 is/are rejected.
- 7) ☒ Claim(s) 24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 14-18, 20-23, 25 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Wells (US 2002/0115487 A1).

As per claims 14-18, Wells disclose a progressive gaming system comprising: a first gaming device having an input device, a display and a controller, wherein the first gaming device is configured to receive a wager from a first player to play a progressive type game (see fig. 1, 22); and a second gaming device having an input device, a display and a controller, the second gaming device being communicably coupled to the first gaming device, wherein the second gaming device is configured to receive a wager from a second player to play the progressive type game (see fig. 1, 22), wherein the first and second gaming devices exchange, with each other, information associated with the amount of wagers placed by the first and the second player on each respective gaming device by exchanging an electronic data packet of a predetermined format (see fig. 1), in order to determine the total jackpot amount to be won, wherein determination of whether the first player has won, and the total jackpot amount to be paid to the first player is performed by the controller of the first gaming device (page 1, [0005]; total jackpot is transmitted to each gaming machine and may be displayed to a player in each gaming

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machine), and wherein determination of whether the second player has won and the total jackpot amount to be paid to the second player, is performed independently of the first gaming device, by the controller of the second gaming device (page 1, [0005]; total jackpot is transmitted to each gaming machine and may be displayed to a player in each gaming machine).

As per claims 15-17 and 25, The system of Wells is inherently capable of comprising a first and a second precise time base, each configured to measure time of occurrence of events on the first and second gaming devices, respectively, with a resolution of picoseconds or a resolution of  $10^{-15}$ ; wherein the first gaming device is capable of initiating a secondary bonus game independent of the second gaming device and the second gaming device is capable of initiating a secondary bonus game independent of the first gaming device; and wherein the first gaming device and the second gaming device communicate on a peer-to-peer basis as claimed (all gaming machines provide time measurement, bonus game and peer-to-peer communication).

As per claims 20 and 21, Wells inherently discloses a method further comprising: upon determining that the first player has won, awarding a portion of the jackpot indicia to the first player; resetting all of the gaming devices; and awarding a remainder of the jackpot indicia to the first player pay when all gaming devices are confirmed as being reset; further comprising awarding a portion of the remainder of the jackpot indicia as the gaming devices are being reset but not yet confirmed as reset (most of the gaming machines pay a portion of the award after winning and pay the rest of the award after all machines have been reset).

As per claim 22, Wells discloses a system wherein the secondary game initiated by the first gaming device has no dependency upon an outcome of the progressive type game (see fig. 1).

As per claim 23, Well discloses a system of claim 16 further comprising a first secondary game device communicably coupled to the first gaming device for initiating the secondary bonus game, wherein the first secondary game device further comprises a display device, a random number generator, and a unit for calculating a value to determine a game outcome based upon use of generated values of said random number generator in a predetermined formula (see fig. 1).

As per claim 26, Wells discloses a method further comprising exchanging, between the first and second gaming devices, a total amount available for pay to the first and the second player, prior to determining the total jackpot amount to be paid according to predetermined parameters (page 1, [0005]; total jackpot is transmitted to each gaming machine and may be displayed to a player in each gaming machine according to parameters as claimed).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wells (US 2002/0115487 A1) in view of Lockton (US 5,083,400).

As per claim 19, Wells does not disclose broadcasting and updating but Lockton discloses a method comprising: broadcasting a parameter block of the predetermined format to all gaming when conditions change at any gaming device, updating said parameter block according to the change in condition at said gaming device; and broadcasting an updated

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parameter block from the gaming device to other gaming devices communicably coupled thereto to update operational parameters at each gaming device based upon the updated parameter block received (see abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the broadcasting and updating means as taught by Lockton into the method of Wells because it would provide an improved game of skill or chance playable by simultaneously by several by several participants remote from each other.

***Allowable Subject Matter***

5. Claim 24 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

None of the references, either singularly or in combination, discloses or even suggests:

As per claim 24, The system of claim 16 further comprising: a unit for choosing a random number in accordance with a predetermined selection process and mapping said random number to a symbol in accordance with a predetermined mapping process if the number of game plays of maximum bet in a play sequence is less than a predetermined maximum; and a display device for displaying a generic icon as a placeholder to allow progress of the secondary bonus game to be ascertained.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Byrne (US 2005/0014553 A1) discloses a method and apparatus for playing a gambling game.
- Nguyen et al (US 2006/0123174 A1) disclose a configurable communication board for a gaming machine.
- Paulsen (US 2006/0194633 A1) discloses interactive game playing preferences.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (571) 272-6784. The examiner can normally be reached on 7:30 - 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

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like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*Ronald Laneau*

Ronald Laneau  
Primary Examiner  
Art Unit 3714

12/26/06

rl